

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 19, 2001**

**DIVISION ONE**

B133570      Fairchild et al.                      (Certified for Publication)  
                         v.  
                         Park

The order denying plaintiffs' motion for attorney's fees is reversed, and, on remand, the trial court shall award reasonable attorney's fees to plaintiff. The order denying defendant's motion to strike \$9,147 in costs is reversed. The parties are to bear their own costs on appeal.

Mallano, J.

I concur:        Spencer, P.J.  
I dissent:        Ortega, J. (Opinion)

B119341      People  
                         v.  
                         Ruben G.

Filed order denying petition for rehearing.

**DIVISION TWO**

Court convened at 9:00 A..M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J. and J. Hatter and G. Villanueva,  
Deputy Clerks.

DIVISION TWO (Continued)

Each of the following:

B145383 People v. Foster  
B146151 People v. Iragorri  
B144725 People v. Roldan  
B140145 People v. Endsley & Ward  
B146990 People v. Stone  
B142796 People v. Jenkins  
B146135 People v. Jermale F.  
B146443 In re Yusef W.  
B138363 County of Los Angeles v. Amwest Surety Insurance  
B145221 In the Matter of Tina T.  
B144939 In re Deonte C.  
B151011 Chavez v. S.C.L.A.  
B148204 People v. Newton

Argument waived, cause submitted.

B144545      Desai  
                 v.  
                 Sayas et al.

Merits:  
Argued by Heather Mason for appellants and by Jon Mower for respondent.  
Cause submitted.

B143141      Lopez  
                 v.  
                 Zurich Insurance

Merits:  
Argued by Paul Cook for appellant and by James Wagoner for respondent.  
Cause submitted.

DIVISION TWO (Continued)

B141793     Bressman  
              v.  
              Pomona Valley Hospital

Merits:  
Argued by Gary Ganchrow for appellant and by Dawn Cushman for respondent. Cause submitted.

B135444     Richards  
              v.  
              City of Culver City

Merits:  
Argued by Kent Heeringa for appellant/respondent Richards and by Kathy Gandara for respondent/appellant City of Culver City. Cause submitted.

B145863     Oswald  
              v.  
              Oswald

Merits:  
Argued by Robert Reamer for appellant and by Rhonda Kaley for respondent. Cause submitted.

B142428     Chan  
              v.  
              MCI Systemhouse

Merits:  
Argued by William Johnson for appellant and by Douglas Hart for respondent. Cause submitted.

DIVISION TWO (Continued)

B137789     Huang  
                 v.  
                 Wang

Merits:  
Argued by Joel Tamraz for appellant and by Elizabeth Baldwin for respondent. Cause submitted.

B140835     Perkins  
                 v.  
                 Stewart

Merits:  
Argued by Thomas Peterson-More for appellant. Respondent waives argument. Cause submitted.

Court recessed.

Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J. and J. Hatter and G. Villanueva, Deputy Clerks.

Each of the following:

B142969 County of Los Angeles v. Brown  
B147369 The People v. Green  
B142911 The People v. Guerra

Argument waived, cause submitted.

DIVISION TWO (Continued)

B141533     People  
              v.  
              Reed

Merits:

Argued by Murray Rosenberg for appellant and by Robert Schneider, deputy attorney general, for respondent. Cause submitted.

B147822     People  
              v.  
              Cole

Merits:

Argued by Richard Fitzer for appellant and by Laura Bak-Boychuk, deputy attorney general for respondent. Cause submitted.

B142200     Stimpfel  
              v.  
              County of Los Angeles

Merits:

Argued by Richard Elinski for appellant and by Michael Allen for respondent. Cause submitted.

B140673     Little  
              v.  
              City of Los Angeles

Merits:

Argued by Mitchel Ezer for appellant and by Renee Laurents, deputy city attorney, for respondent. Cause submitted.

DIVISION TWO (Continued)

B146184      Schapiro  
                 v.  
                 Morgan Creek Prod.

Merits:  
Argued by Bert Deixler for appellant and by Theresa Macallaro for  
respondent. Submission deferred.

Court adjourned.

DIVISION THREE

B144310      Los Angeles County, D.C.F.S      (Not for Publication)  
                 v.  
                 Santos C.

The judgment is affirmed.

Aldrich, J.

We concur:    Croskey, Acting P.J.  
                 Kitching, J.

B140323      People      (Not for Publication)  
                 v.  
                 Vasquez et al.

The judgments are affirmed.

Klein, P.J.

We concur:    Croskey, J.  
                 Aldrich, J.

July 19, 2001-Continued

### DIVISION THREE (Continued)

B140138 People (Not for Publication)  
v.  
Williams

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B143464 People (Not for Publication)  
v.  
Dominguez

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B132147      James E. Hill      (Not for Publication)  
v.  
Cheryl L. Hill

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

July 19, 2001-Continued

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Fidler, J. (Assigned)

DIVISION FOUR

[illegible]

The judgment is modified to reflect that appellant is to receive 365 actual days of presentence credit, and is affirmed as modified.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B142094      People                                  (Certified for Publication)  
v.  
Eduardo C.

The order requiring appellant to register as a gang member pursuant to section 186.30 is reversed. The judgment is otherwise affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.



July 19, 2001-Continued

## DIVISION FOUR (Continued)

B142862 People (Not for Publication)  
v.  
Breshears

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B140793 People (Not for Publication)  
v.  
Feal

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B141259 People (Not for Publication)  
v.  
Lundy

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION FOUR (Continued)

B145776      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Liliana M.

The order denying Mother's petition under section 388 and the judgment terminating Mother's parental rights are affirmed.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                 Curry, J.

B145199      Natanzi      (Not for Publication)  
v.  
Lebas Fashion Imports

The order is affirmed.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                 Hastings, J.

B142012      Kaiser Foundation Hospital      (Not for Publication)  
v.  
Krusen

The appeal from orders correcting the arbitration award and denying the motion to confirm the arbitration award is dismissed, because the orders are nonappealable. Treating the appeal as a petition for extraordinary relief, the petition is denied. Costs are awarded to respondents. (Cal. Rules of Court, rules 26 and 56.4.)

Vogel (C.S.), P.J.

We concur:   Hastings, J.  
                 Curry, J.

DIVISION FOUR (Continued)

B149318      Paclink Communications International      (Certified for Publication)  
                 v.  
                 S.C.L.A.  
                 Yeung

Let a peremptory writ of mandate issue compelling respondent court to set aside its order of February 28, 2001, overruling the demurrer jointly filed by defendants PacLink-Communications International, Inc. and eHongKong.Com, Inc. to the first, third, and sixth causes of action alleged in the first amended complaint and to enter a new and different order sustaining without leave to amend the demurrer on the basis that plaintiffs have no standing to sue other than by a derivative action. The temporary stay order issued on May 3, 2001, is to remain in effect until the remittitur issues. Petitioners to recover their costs in this proceeding.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                     Hastings, J.

DIVISION FIVE

B142739      Angelica Townhomes Homeowners Assoc.      (Not for Publication)  
                 v.  
                 Ana Arreguin

The judgment is reversed. Each party to bear their own costs.

Grignon, Acting P.J.

We concur:   Armstrong, J.  
                     Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B140071      YaAcov Dadon                      (Not for Publication)  
                 v.  
                 Masoud Nourafchen et al.

The judgment is reversed. Each party to bear their own costs.

Grignon, J.

I concur:      Turner, P.J.  
I dissent:      Armstrong, J. (Opinion)

B144906      Janine Pennock et al.  
                 v.  
                 Alexander Villicana

Filed order denying petition for rehearing.

DIVISION SIX

B144410      People                                      (Not for Publication)  
                 v.  
                 Sanchez

Appellant's conviction on count 5 for receiving stolen property under section 496, subdivision (a), is reversed. The sentences imposed on counts 2 and 6 are vacated and this matter is remanded for resentencing on those counts consistent with this opinion. In all other respects, the judgment is affirmed.

Coffee, J.

We concur:      Gilbert, P.J.  
                 Perren, J.

July 19, 2001-Continued

DIVISION SIX (Continued)

B149435 People (Certified for Publication)  
v.  
Schofield

The judgment (order denying suppression) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B144664      Brost      (Not for Publication)  
v.  
Fire Insurance Exchange

The judgment is affirmed. Costs to respondent.

Perren, J.

We concur:    Gilbert, P.J.  
                         Yegan, J.

B145629 People (Not for Publication)  
v.  
McKibben

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

July 19, 2001-Continued

## DIVISION SIX (Continued)

B147017 People (Not for Publication)  
v.  
Tino V.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B142411 People (Not for Publication)  
v.  
Vogt

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B145961 People (Not for Publication)  
v.  
Allen

Pursuant to section 667, subdivision (a)(1), the judgment is modified to impose a five-year consecutive term for the prior serious felony conviction of burglary (§ 459) in case no. A030157. The judgment is further modified to reflect a total prison sentence of 35 years to life. In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

July 19, 2001-Continued

## DIVISION SIX (Continued)

B146453 People (Not for Publication)  
v.  
Solis

Accordingly, the judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.